BOMBAY ACT No. XII OF 1912.[1]

[THE BOMBAY ABKARI (AMENDMENT) ACT, 1912.]

[*7th September, 1912.*]

An Act further to amend the Bombay Abkari Act, 1878.

Bom. Act V of 1878.

WHEREAS it is expedient further to amend the [2] Bombay Abkari Act, 1878, in manner hereinafter appearing ;

And whereas the previous sanction of the Governor General required by section 5 of the [3] Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

Amendments in section 3.

Bom. Act V of 1878.

1. In section 3 of the [2] Bombay Abkari Act, 1878, hereinafter called "the said Act"—

(*a*) in clause (*1*), after the word "fine" the words and brackets "(other than a fine imposed by a Court of law)" shall be inserted ;

(*b*) to clause (*5*) the words "or a Magistrate of the third class specially authorized in this behalf by the District Magistrate" shall be added ;

(*c*) for clause (*7*) the following shall be substituted :—

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(*d*) to clause (*8*) the following shall be added :

[Vol. II of this Code.]

(*e*) to clause (*9*) the following proviso shall be added :

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(*f*) for clause (*10*) the following shall be substituted :

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(*g*) for clause (*11*) the following shall be substituted :

[Vol. II of this Code.]

(*h*) after clause (*13*) the following shall be added :

[Vol. II of this Code.]

New section 3A.

2. After section 3 of the said Act the following shall be inserted :—

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette 1912, Pt. VII, p. 127; for Report of Select Committee, *see ibid*, 1912, Pt. VII, p. 405 ; and for Proceedings in Council, *see ibid*, 1912, Pt. VII, pp. 259, 500 and 664. The short title was given by Bom. Act 2 of 1921, *infra*.

[2] Vol. II of this Code.

[3] *See* now section 80 A of the Government of India Act.

New Chapter III.

3. For Chapter III of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of sections 14 and 14A and new section 14B.

4. For sections 14 and 14A of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of section 15.

5. For section 15 of the said Act the following shall be substituted :—

[Vol. II of this Code.]

New section 15A.

6. After section 15 of the said Act the following shall be inserted :—

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Amendment of section 16.

7. (*1*) Section 16 of the said Act shall be numbered sub-section (*1*) of section 16 and in the said sub-section—

(*a*) for the words "liquor, no hemp and no intoxicating drug" the words "excisable article or hemp" shall be substituted;

(*b*) the first proviso is hereby repealed;

(*c*) for the words "provided further" the word "provided" shall be substituted;

(*d*) after the second proviso the following shall be added :—

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(*2*) Below sub-section (*1*) of section 16 of the said Act the following shall be added :—

[Vol. II of this Code.]

Amendment of section 17.

8. For section 17 of the said Act the following shall be substituted :—

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8A. After section 17 of the said Act the following shall be inserted :—

[Vol. II of this Code.]

Amendment of section 18.

9. (*1*) In section 18 of the said Act, for the phrase "clause (*b*) of section 12" the phrase "section 13" shall be substituted.

(*2*) In section 18 of the said Act the words "provided that" are hereby repealed, and before the word "all" the words "any or" shall be inserted, and the second paragraph of the said section as thus amended shall be constituted a separate section and shall be numbered section 18A of the said Act and the present section 18A of the said Act shall be numbered section 18B.

10. For section 19 of the said Act the following shall be substituted :— Amendment of section 19 and new section 19A.

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11. In section 20 of the said Act after the words "period during which such tree is tapped" the words "or licensed to be tapped" shall be inserted. Amendment of section 20.

12. Sections 24, 26, 27, 27A to 27E and section 28 of the said Act are hereby repealed. Repeal of sections 24 and 26 to 28.

13. In section 29 of the said Act the words "any such farmer from such farmer's licensee in respect of a license, or to" are hereby repealed. Amendment of section 29.

14. For section 30 of the said Act the following shall be substituted :— Amendment of section 30.

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15. In section 31 of the said Act for the words "liquor or intoxicating drug" the words "excisable article or hemp" shall be substituted. Amendment of section 31.

16. For section 32 of the said Act the following shall be substituted :— Amendment of section 32 and new sections 32A and 32B.

[Vol. II of this Code.]

17. In section 33 of the said Act— Amendment of section 33.

(*a*) for the word "liquor" where it occurs for the first time the words "any excisable article" shall be substituted;

(*b*) in clause (*a*) after the word "measures" the words "and weights" shall be inserted; and

(*c*) in clause (*b*) for the words "out or test the strength or quality of any liquor" the words "weigh or test any excisable article," shall be substituted.

18. In section 34 of the said Act for the words "the person primarily liable" the words "any person liable" shall be substituted; Amendment of section 34.

19. For section 35 of the said Act the following shall be substituted :— Amendment of section 35 and new section 35A.

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20. In section 36 of the said Act— Amendment of section 36.

(*a*) for the expressions "any liquor, hemp or intoxicating drug," "any such liquor, hemp or drug," "liquor, hemp, drugs," "liquor, hemp or any intoxicating drug," "any liquor, hemp or drug," respectively, the expression "any excisable article or hemp" shall be substituted, and for the expression "liquor or any intoxicating drug" in clause (*b*) the expression "any excisable article" shall be substituted;

(*b*) in clause (*a*) after the word "night" the words "any land on which toddy-producing trees are growing, whether such trees are licensed for tapping or not, and" shall be inserted;

(*c*) in clauses (*b*) and (*c*) after the word "vessel" the word "vehicle" shall be inserted.

Amendment of section 37.

21. In section 37 of the said Act for the expressions "liquor, hemp or intoxicating drug" and "such liquor, hemp, drug" the expression "excisable article, hemp" shall be substituted.

New sections 38A, 38B, 38C and 38D.

22. After section 38 of the said Act the following shall be inserted :—

[Vol. II of this Code.]

Amendment of section 39 and new section 39A.

23. For section 39 of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of section 40.

24. In section 40 of the said Act for the expressions "liquor, hemp or intoxicating drug" and "liquor, hemp, intoxicating drug" the expression "excisable article or hemp" shall be substituted.

New sections 41 to 41C.

25. For section 41 of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of section 42.

26. In section 42 of the said Act.

(*a*) for the words "liquor or any intoxicating drug" the words "any excisable article" shall be substituted ;

(*b*) in the second sentence, for the words "in the event of the occurrence of a riot or unlawful assembly" the words "if a riot or unlawful assembly is imminent or occurring" shall be substituted.

Amendment of section 43.

27. For sub-section (*l*) of section 43 of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of section 44.

28. In section 44 of the said Act—

(*a*) in clause (*a*) after the word "measures" the words "and weights" and after the word "measuring" the words "and weighing" shall be inserted and for the word "liquor" where it occurs for the first time the words "any excisable article" shall be substituted ;

(*b*) in clause (*b*) after the word "measure" the word "weigh" shall be inserted and for the words "the strength or quality of any liquor" the words "any excisable article" shall be substituted.

Amendment of section 45.

29. In section 45 of the said Act,

(*a*) after the words "whoever, being the holder of a license, permit or pass granted under this Act," the words "or a person in the employ of such holder or acting with his express or implied permisson on his behalf" shall be inserted ;

(*b*) in clause (*a*) for the words "Abkári-officer duly empowered to make such demand, or of any officer of the departments named in section 39, superior in rank to a peon or constable" the words "duly empowered officer either of the Abkári Department or of any of the departments named in section 39 if such license, permit or pass is in his possession or control" shall be substituted ;

(*c*) in clause (*c*), for the words "his license" the words "such license, permit or pass" shall be substituted ;

(*d*) clauses (*d*), (*e*), (*f*) and (*g*), and the word "or" at the end of clause (*c*), are hereby repealed ;

(*e*) for the words "shall be punished for each such offence with fine which may extend to one hundred rupees" the following shall be substituted :

[Vol. II of this Code.]

New section 45A.

30. After section 45 of the said Act the following shall be inserted :—

[Vol. II of this Code.]

Amendment of section 46.

31. In section 46 of the said Act,

(*a*) for the words "whoever being the holder of a license for the sale or manufacture of liquor or of any intoxicating drug under this Act," the words "whoever being the holder of a license for the sale or manufacture of any excisable article under this Act, or a person in the employ of such holder or acting with his express or implied permission in his behalf" shall be substituted ;

(*b*) in clause (*a*)

(*i*) for the words "liquor or intoxicating drug" the words "excisable article" shall be substituted ;

(*ii*) for the phrase "section 35, clause (*h*)" the phrase "clause (*f*) (*i*) of section 35A" shall be substituted ;

(*iii*) after the phrase so substituted the following shall be inserted :

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(*c*) in clauses (*b*), (*c*) and (*d*) the words "European or" are hereby repealed;

(*d*) after clause (*d*) the following shall be inserted :

[Vol. II of this Code.]

Repeal of section 47.

32. (*1*) Section 47 of the said Act is hereby repealed.

(*2*) In the place of section 47 of the said Act repealed the following section, to be numbered section 47 of the said Act, shall be inserted :—

[Vol. II of this Code.]

New section 49A.

33. After section 49 of the said Act the following shall be inserted :—

[Vol. II of this Code.]

Amendment of section 50 and new section 50A.

34. For section 50 of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of section 51.

34A. In the third paragraph of section 51 of the said Act, the words "of any other department" are hereby repealed.

Amendment of section 52

35. In section 52 of the said Act, the words "of any of the departments" are hereby repealed, and for the words "assist any Abkári-officer in carrying out the provisions of this Act" the words "give information or to take preventive measures or to give assistance to an Abkári-officer in the manner required by the said section" shall be substituted.

Amendment of section 53.

36. In section 53 of the said Act,

(*a*) the words "or section 47" are hereby repealed ;

(*b*) after the words "shall be presumed" the words "without further evidence" shall be inserted ;

(*c*) for the words "those sections" the words "that section" shall be substituted ;

(*d*) for the expression "any liquor or hemp or intoxicating drug," the expression "any excisable article or hemp" shall be substituted ;

(*e*) for the expressions "liquor or intoxicating drugs" and "liquor or of any intoxicating drug," respectively, the expression "any excisable article" shall be substituted ;

(*f*) the second paragraph is hereby repealed.

Amendment of sections 54 and 55 and new section 55A.

37. For sections 54 and 55 of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Repeal of sections 58, 58A and 59.

38. Sections 58, 58A and 59 of the said Act are hereby repealed.

Amendment of section 61.

39. In section 61 of the said Act, the words "or Act XVI of 1863 (*An Act to make special provision for the levy of the Excise duty payable on spirits used exclusively in arts and manufactures or in chemistry*)" are hereby repealed.

Amendment of section 62.

40. In section 62 of the said Act,

(*a*) after the words "any such article" the words "or class of such articles" shall be inserted;

(*b*) after the words "local area or place" the words "or generally" shall be inserted.

New section 64.

41. After section 63 of the said Act the following shall be inserted :—

[Vol. II of this Code.]

Local repeal of Act XVI of 1863.

XVI of 1863. **42.** "The Excise (Spirits) Act, 1863," shall be repealed as to the Presidency of Bombay.

BOMBAY ACT No. XIII OF 1912.[1]

[THE INDIAN LIMITATION (AMENDMENT) ACT, 1912.]

[*29th November, 1912.*]

An Act to amend the Indian Limitation Act, 1908.

IX of 1908. WHEREAS it is expedient to amend the [2]Indian Limitation Act, 1908, in the manner hereinafter appearing :

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [3]Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Limitation (Amendment) Act, 1912.

Amendment of section 31.

IX of 1908. **2.** Notwithstanding anything contained in the [2]Indian Limitation Act, 1908, hereinafter called "the said Act", in computing the period of two years mentioned in section 31 of the said Act in the case of any suit by a

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[1]For Statement of Object and Reasons, *see* Bombay Government Gazette, 1912, Part VII, page 536 and for Proceedings in Council, *see ibid*, 1912, Part VII, pages 787 and 866.

[2]General Acts, Vol. VI.

[3]*See* now section 80A of the Government of India Act.